

PRIZE FIGHTING AT ROBY

Judge Gillette's Letter to Governor Matthews on the Law of the Case.

Thinks It Possible to Suppress It—Governor's Views on the Letter—He Has Another Scheme.

Yesterday Governor Matthews received from Judge Gillette, of Lake county, a letter on the Roby prize fights, in which he points out very clearly the way by which the executive authority can proceed to squelch the diabolical and infamous trade of the judicial branch. In his letter Judge Gillette says:

"I assume, without argument, that desperate contests with gloves between prize fighters, and that if such a contest takes place without a prize offered, it is an assault and battery. It is equally plain that the act of the General Assembly authorizing the organization of associations for the maintenance of symmetrical or physical training schools, and the giving therein of athletic exhibitions, and other physical contests of sciences and skills, has not operated to repeal or modify any criminal law. There is an abundance of innocent and lawful physical contests of sciences and skill to which the act might apply without giving it an application which would overturn the criminal law. No court would consent to the latter construction. Where rights are infringed, fundamental principles overthrown, the general system of the law departed from, the legislative intention must be expressed with irresistible clearness to induce a court of justice to suppose a design to effect such objects. It being the case, then, that our criminal law still continues to denounce and punish the offenses mentioned, the natural and ordinary way of dealing with such offenders would be by arrest upon view and prosecution. However, two fights have occurred at Roby as yet, and have been no arrests and no prosecutions. I shall give my grand jury most forcible instructions, and confidently expect your co-operation in providing funds for the extradition of the indicted persons. But something must be done in the meantime. The club is constantly violating the law that would make a public nuisance of the place it occupies. Every place where a public statute is openly, publicly, repeatedly, continuously, persistently and intentionally violated, is a public nuisance. There is a class of nuisances arising from the use of real property that are nuisances per se, irrespective of their results and location, the existence of which only needs to be proved in any locality, whether near or far removed from cities, towns or human habitations. This class affects morality, and is in derogation of public morals and decency. This is of that aggravated class that, being malum in se, the courts need no proof of their bad results and require none."

"It is important that individuals connected with any lights upon the association grounds should be vigorously prosecuted. The sheriff will not make arrests and no one can be found to make the affidavits necessary. The county of Lake is a unit in disseminating the association. The club which is engaged in a constant violation of law is a creature of the State, dependent upon it for its corporate life. This ought to be the State's sole control over it and it does."

Judge Gillette calls the Governor's attention to the fact that the Attorney-general must move in the matter if the Governor instructs him. Closing, he says:

"I have given this letter to the public because, owing to my position as a judge, I desire that the members of the association and those connected with it shall be apprised of the part I have taken in this matter. Ordinarily my position as a judge would call on me to maintain silence until I speak as a court, but I believe that this matter constitutes a proper exception to the rule. The Constitution of this State declares I am, as circuit judge, a conservator of the peace. Laws which are especially designed to prevent breaches of the peace are now, as I believe, being spurned and treated as of no effect, and I therefore, feel that in my capacity as a conservator of the peace, while I cannot, with due regard for the proprieties of the judicial office, make arrests myself and I have no power to command others I may and should suggest such remedies as will best meet the mischief mentioned, since, as it is, nothing is being done to secure the enforcement of the law."

The Governor had just retired with one of his old attacks of acute "rhumatiks" when a Journal representative aroused him last night for a short talk upon the subject of Judge Gillette's letter. The chief executive, ever gracious to the news-gatherer, winced with pain as his rheumatism found a fresh spot for its insidious rampage, and remarked:

"There is little in the Judge's epistle except that it is a reply to one or two propositions which I propounded to him some time ago. When I first learned of the intention that the Roby managers were preparing to inaugurate a gladiatorial arena under the guise of a gymnasium, I had considerable correspondence with Judge Gillette, whom I consider an able jurist, a talented lawyer and a brave man. The result of our correspondence was a visit paid me by the Judge, in which we freely talked this matter over. The Judge was somewhat in the dark as to the future course we should pursue, as I was myself, but I made to him two propositions, both of which I felt confident would bring about the desired result, one of which was a plan to call an extra session of the Lake County Circuit Court and grand jury. I thought this would probably result in a complete disaster to Roby, but Judge Gillette was uncertain as to the advisability of this step, and also the legality of such a move. I suggested that an injunction against the place might be secured, which would at least stay proceedings at the ringside for a time. Again Judge Gillette hesitated, and left me with the promise to write in regard to the matter. He went to Chicago, consulted with the best law authorities, and the letter given the press to-day is his reply to my suggestions."

"Governor, do you find anything in the letter that would advise you as to a course you might follow?"

"No, I do not. The letter is simply a reply to my queries. I confess that I am a little disappointed at the result of Judge Gillette's researches among authorities on the law. I had hoped that he would find it advisable to call an extra session of the grand jury, so that we could handle the fellows as they deserve. I should like to have them arraigned on a charge of felony, and should like to see the extreme penalty of the law assessed."

"Have you any well defined plan laid down by which you propose to act?"

"Yes, I have a plan, but I am not inclined to make it public. To do so I think would be very indiscreet. These men who are at the head of the Roby ring are shrewd, unscrupulous scoundrels and especially Mr. Daniel O'Malley, ex-detective, I believe. The gentleman called upon me some months since and I readily saw that he was among the very 'smooth articles.' At the first intimation of plans on the part of the law I had order people the managers would set about to circumvent our scheme. They have money and can get the best legal talent to assist them."

"I say without hesitancy regarding this McHugh bill which passed the last Legislature that it has been grossly misrepresented by the newspapers and the public. I myself approve of the bill because I cannot find a single clause which says that prize-fighting is lawful. The text of the bill has been wrongly construed when it is purely an amendment of an old law. The Legislature had no intention of repealing a criminal law and it did not do so."

"I am eager and willing to assist in the enforcement of all the law I have in my power, but I cannot override the legal statutes."

Make a Business of Begging.

There are three tramps making a systematic canvass of the north and northeast portions of the city. Two of them are cripples and one a mere lad. They are making a round of the northern cities and have visited recently Detroit, Cincinnati and Chicago. They tell any story that is likely to appeal to the sympathy of the person they are then addressing. They are well dressed, com-

paratively clean and tidy in their appearance, and above the average in intelligence. The man who is whole seems to direct the energies of the other two, and rarely solicits himself. It is needless to say they are not worthy objects of charity and ought not to be encouraged.

CITY LOANS AND BONDS.

No Arrangement Yet Made for Correcting the Default.

Controller Woolen was not down at his office yesterday afternoon, and the employees did not know whether the amount placed to the city's credit on the new temporary loan was to be drawn and brought to this city or left in New York and drawn as required. A draft for \$12,500 is to be made at once. If the money is left in New York and drafts made direct by the controller, City Treasurer Backus will lose the use of the money, otherwise he would have the use of the amount that might be removed to the city treasury. Mayor Sullivan is still unconvinced on the bond question, whereby \$600,000 of the city's bonds are in default.

An Opinion on Garbage.

The "law department" of the Sullivan administration shied down another opinion yesterday, but this one was hurled on the head of acting Superintendent of Police Quigley, who wanted to know about certain points. The "department" says that only people having a contract or license from the city can haul garbage. The opinion further says that banana peels can be thrown on the streets, but not on the sidewalks.

Exit from a Building.

Frank Bowles, a carpenter employed on a house on North Alabama street, suffered serious injuries to his hip by falling from a building yesterday. The city ambulance took him to his home at No. 278 Michigan avenue, Hawthville.

Straw Hats!

A new lot, cheap, at "Seaton's Hat Store," 27 North Pennsylvania street.

New side-boarded Wm. L. Elder's.

Big Four.

World's Fair Route, Daily Excursions to Chicago.

4.50 for the Round Trip—\$4.50.

Tickets good for ten days. For tickets and sleeping and chair-car accommodations call at No. 1 East Washington street, 36 Jackson place, Massachusetts avenue, and Union Station.

\$4.50—CHICAGO AND RETURN—\$4.50.

Via Pennsylvania Line.

From Indianapolis. Tickets good ten days. All trains stop, both going and returning, at South Chicago, Englewood and Grand Crossing, within view of and only a short distance from the World's Fair and Hotels and Boarding Houses adjacent thereto.

W. F. BRUNNER, D. P. A., Indianapolis.

Big Four.

Louisville Line Now Open.

Two Through Trains Daily.

Leaving Indianapolis at 2:55 p. m. and 2:45 a. m., reaching Louisville at 7 p. m. and 7:10 a. m.

Leave Louisville at 7:40 a. m. and 8:15 p. m. Arrive Indianapolis at 11:45 a. m. and 12:30 midnight.

Sleepers and free reclining chair cars on trains leaving Indianapolis at 2:45 a. m. and Louisville 8:15 p. m.

\$5.50—TO CHICAGO AND RETURN—\$5.50.

Via the Popular Route.

The Lake Erie & Western railroad and steamer "Soo City." The above will be the rate for every day and train via this route. Tickets good returning until Oct. 31. Free reclining chairs on night trains. For tick of trains, tickets, reserved chairs, etc., call at city office, 46 South Illinois street, Massachusetts avenue or Union Station.

JULIUS C. WALK. CARL F. WALK.

Fine Plates, Cups and Saucers.

Royal Worcester, Doulton, Royal Crown Derby, Comport, Dresden, Copeland's China and many other English, German and French make of fine Porcelain. Come and see our stock, prices are exceedingly low.

Julius C. Walk, Successor to Binzham & Walk.

Leading Jeweler. No. 12 East Washington St.

General agent for the Patek, Philippe & Co., Vacheron & Constantin, and E. Kohn celebrated Swiss Watches.

ART EMPORIUM.

Telephone 500.

BRASS EASELS

THE H. LIEBER COMPANY,

33 South Meridian St.

Armstrong Park.

This Park is open every night till 11 p. m.

REFRESHMENTS, SWINGS

And Plenty of Good Seats.

Take NORTH INDIANAPOLIS Electric Car.

STERLING SILVER

To advertise our JEWELRY DEPARTMENT, we will on receipt of 10c stamps or postal note, mail to any address.

STERLING SILVER SWORD PIN.

These pins are all the rage, and are the very latest novelty in jewelry.

CATHART, OLELAND & CO.,

6 East Washington street, Indianapolis, Ind.

DALTON'S CALENDAR.

July 22, 1861—Gen. McClellan took command.

July 23, 1863—Gen. Grant died.

August, September, October, and more than a week of July, yet remain to the Straw Hat.

Our entire stock of Straws greatly reduced in price to clear them away. This includes Ladies' French and English imported Sailors' Hats.

DALTON, High-Grade Hatter,

BATES HOUSE.

6 DAYS.

For 6 days Wasson's Great July Sale will unload the following goods. The sale ends Saturday night. The goods named below may not last that long, but as long as they last they will be sold at the prices named.

Good Hemp Carpets at.....10c a yard  
Best Cottage Carpets at.....18c a yard  
Good Ingrain Carpets at.....19c a yard  
Heavy Ingrain Carpets at.....27c a yard  
Half-Wool Carpets at.....39c a yard  
Best All-Wool Carpets.....49c a yard  
Good Oilcloths at.....15c a yard  
Extra Oilcloths at.....22c a yard  
Best Oilcloths at.....25c a yard  
Good Tapestry Brussels at.....39c a yard  
Better Tapestry Brussels at.....48c a yard  
Extra Tapestry Brussels at.....65c a yard  
Smith's Best Moquettes at.....90c a yard

Body Brussels, Velvets and Axminsters all included in this sale.

LACE CURTAIN AND DRAPERY DEPARTMENT.

Lace Curtains, Nottinghams at 69c, 85c, 98c, \$1.20, \$1.38, \$1.75 and \$2.25 a pair, worth double.

.50 pair Fine White Tambour Lace Curtains, to close, from \$3.25 to \$8.50 a pair.

40 pair Real Irish Point Curtains, from \$3.48 to \$9.50 a pair. One-third less than value.

We have too many REAL HAND-MADE BRUSSELS CURTAINS, worth \$10 to \$40 a pair. These goods we will close at half value, \$5 to \$20 a pair. The above Curtains will all be arranged on tables and marked in BLUE FIGURES.

Half-Wool Art Squares.

Size 3x2½ yards at.....\$3.75 each  
Size 3x3 yards at.....4.45 each  
Size 3x3½ yards at.....4.98 each

Best All-Wool Art Squares.

Size 3x2½ yards at.....\$5.75 each  
Size 3x3 yards at.....6.75 each  
Size 3x3½ yards at.....7.75 each

Great Sacrifice in Rugs.

Rugs, size 6x6 feet, at \$5.75 each. Worth \$8.50.  
Rugs, size 6x9 feet, at \$9.75 each. Worth \$12.50.  
Rugs, size 8x10 feet, at \$12.50 each. Worth \$18.50.  
Rugs, size 9x12 feet, at \$18.50 each. Worth \$27.50.

About 100 Rolls China Mattings

That we shall close at one-third less than importers' price.

H. P. WASSON & CO

FURNITURE FACTS.

A stock that covers the whole range of Furniture.

Single pieces of infinite variety.

Special designs made.

Upholstery to order.

Artistic combinations.

Fine Furniture at small cost.

Popular Prices for the People

EASTMAN, SCHLEICHER

FURNITURE, & LEE

Carpets, Draperies, Wall Paper.

The Largest House in the State

TAKING THINGS COOL

Is very advisable during the

HEATED TERM.

OUR—

IMPERIAL GINGER ALE,

ORANGE CIDER,

LEMON SODA,

CHAMPAGNE CIDER,

SARSAPARILLA,

STRAWBERRY BIRCH BEER,

CHOCOLATE,

CRAB APPLE CIDER,

All our own make, will do the work. They give universal satisfaction, as we use in their manufacture only distilled water produced by the celebrated HARTSTEAD STILL, making it absolutely pure.

JAC. METZGER & CO.

701 TEL. 407.

Sunday Journal, by mail, \$2 a Year

OUR BUYER in the East has instructed us by telegraph to make a special reduction in \$13 Suits to

: : \$9.90 : :

We have done so, and will start the sale on Monday. These are Men's Suits in choice Cassimeres and Cheviots, the best values ever offered in Indiana.

LOOK AT DISPLAY OF THESE SUITS IN OUR SHOW WINDOW. Our sale of strictly all-wool \$12 at \$7.68 goes on.

ORIGINAL EAGLE

5 & 7 West Washington St.

HAT DEPARTMENT—16 South Meridian Street.

CAN YOU USE ONE?

Your choice of over one hundred styles of elegant sample VEHICLES at half price. We are closing out our Retail Department without regard to cost. We will accept

53c SILVER DOLLARS

At par, in payment, or any other money that Uncle Sam is back of.

This is a rare opportunity to secure a Vehicle for a small amount of money, and is good only RIGHT NOW.

Our line consists of BUGGIES, all styles, SURREYS, CARRIAGES, PHAETONS, JUMP SEATS, TRAPS, BUCKBOARDS, ROAD WAGONS, SPRING WAGONS, CARTS, Etc.

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